

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:)	
)	CASE NO.: 18-82502-CRJ-7
DENA K. MCNELLEY,)	
SSN: xxx-xx-6591)	CHAPTER 7
)	
Debtor.)	
_____)	
)	
DENA K. MCNELLEY,)	
)	
Plaintiff,)	
)	
v.)	AP NO.: 19-_____
)	
VERIZON WIRELESS, LLC)	
)	
)	
Defendant.)	

COMPLAINT FOR VIOLATION OF THE DISCHARGE ORDDER

COMES NOW the Debtor in the above-styled Chapter 7 case, DENA K. MCNELLEY, and shows unto this Honorable Court the following:

1. The Debtor filed a voluntary petition under 11 U.S.C. Chapter 7 on August 23 2018, and received her Bankruptcy Discharge on November 21, 2018. The Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. §1334. Venue is proper under 28 U.S.C. §1408.
2. This is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2)(A) in that it concerns administration of the estate.
3. The Defendant, VERIZON WIRELESS, LLC, was a listed Creditor in the Bankruptcy filed by the Debtor, DENA K. MCNELLEY. The Debtor specifically REJECTED the cellular phone service agreement with the Defendant, VERIZON WIRELESS, LLC, on Schedule "E" of her Bankruptcy Petition as well as her Statement of Intention.
4. After the Discharge was entered, the Plaintiff, DENA K. MCNELLEY, received two bills, one dated November 19, 2018, and one dated January 19, making demands for payment on the rejected account and contract. The November 19, 2018 billing is attached hereto as Exhibit "A" and the January 19, 2019 billing is attached hereto as Exhibit "B".

5. The Defendant is in willful violation of the Discharge Order entered in this case and has continuously made demands for payment from the Plaintiff on a discharged debt and rejected cellular phone service agreement. Plaintiff has suffered emotional distress and mental anguish and requests an award of her actual damages, attorney fees, and costs in bringing this action.

WHEREFORE, THE FOREGOING PREMISES CONSIDERED, the Plaintiff demands Judgment against the Defendant for actual and punitive damages and attorney fees for the Defendant's willful violation of the Discharge Order. Plaintiff prays for such other, further and different relief as unto your Honor may seem just and proper in the premises.

/s/ G. John Dezenberg, Jr.
G. JOHN DEZENBERG, JR.
Attorney for Plaintiff
DEZENBERG & SMITH, PC
908-C North Memorial Parkway
Huntsville, Alabama 35801
Phone: (256) 533-5097

SERVICE:

Verizon Wireless, LLC
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, AL 36104

EXHIBIT “A”



PO BOX 489
NEWARK, NJ 07101-0489

Manage Your Account	Account Number	Date Due
www.vzw.com	725418311-00001	Past Due
Change your address at vzw.com/changeaddress	Invoice Number	7767720415

Quick Bill Summary

Oct 20 – Nov 19



DENA MCNELLEY
169 CANTRELL RD
HAZEL GREEN, AL 35750-9445

000485690
0111

Previous Balance <i>(see back for details)</i>	\$2,932.23
No Payment Received	\$0.00
Balance Forward Due Immediately	\$2,932.23
Account Charges and Credits	\$647.87
Surcharges and Other Charges & Credits	\$157.90
Taxes, Governmental Surcharges & Fees	\$30.37
Total Current Charges Due by December 11, 2018	\$836.14

Verizon Wireless News

Save Time Go Online

If you have questions about your bill, or need help with your devices, you can find answers using go.vzw.com/Support. You can also easily access Support through the My Verizon app. Try it today.

Total Amount Due

\$3,768.37

Our records indicate your account is past due. Please send payment now to avoid service disruption.

Pay from phone	Pay on the Web	Questions:
#PMT (#768)	My Verizon at www.vzw.com	1.800.922.0204 or *611 from your phone



DENA MCNELLEY
169 CANTRELL RD
HAZEL GREEN, AL 35750-9445

Bill Date November 19, 2018
Account Number 725418311-00001
Invoice Number 7767720415

Total Amount Due

Make check payable to Verizon Wireless.
Please return this remit slip with payment.

\$3,768.37

\$, .

PO BOX 660108
DALLAS, TX 75266-0108



77677204150107254183110000100000083614000003768370

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NOTICE: Bank account and routing numbers will be retained to enable future payments by phone or online. To opt out, call 1-866-544-0401

Document Page 4 of 15



Invoice Number Account Number Date Due Page

7767720415 725418311-00001 Past Due 2 of 7

Get Minutes Used

Get Data Used

Get Balance

#MIN + SEND

#DATA + SEND

#BAL + SEND

Payments

Previous Balance \$2,932.23

No Payment Received

Total Payments \$0.00

Balance Forward Due Immediately \$2,932.23

Account Charges and Credits

Device Payment Charges

Device Payment Buyout Charge (14 - 24) Agreement 1058091998 210.76

Device Payment Buyout Charge (11 - 24) Agreement 1065079927 126.84

Device Payment Buyout Charge (6 - 24) Agreement 1070738924 310.27

Total Device Payment Charges \$647.87

State Tax 13.50

Local Tax 16.87

Total Account Charges and Credits \$678.24

Written notations included with or on your payment will not be reviewed or honored. Please send correspondence to:
Verizon Wireless Attn: Correspondence Team PO Box 408 Newark, NJ 07101-0408

Automatic Payment Enrollment for Account: 725418311-00001 DENA MCNELLEY

By signing below, you authorize Verizon Wireless to electronically debit your bank account each month for the total balance due on your account. The check you send will be used to setup Automatic Payment. You will be notified each month of the date and amount of the debit 10 days in advance of the payment. You agree to receive all Auto Pay related communications electronically. I understand and accept these terms. This agreement does not alter the terms of your existing Customer Agreement. I agree that Verizon Wireless is not liable for erroneous bill statements or incorrect debits to my account. To withdraw your authorization you must call Verizon Wireless. Check with your bank for any charges.

1. Check this box.
2. Sign name in box below, as shown on the bill and date.
3. Return this slip with your payment. Do not send a voided check.



Overview of Lines

Your Account's Plan

Plan from 10/20 - 11/18

Beyond Unlimited

15GB Mobile Hotspot

Unlimited monthly GB

Have more questions about your charges?
Get details at www.vzw.com. Sign into My
Verizon.

Breakdown of Charges

Account Charges & Credits	pg 2	\$678.24
256-509-6215	pg 4	\$157.90
Dena McNelley		
256-763-3836	pg 5	\$0.00
Dena McNelley		
256-836-4518	pg 6	\$0.00
Dena McNelley		
Total Current Charges		\$836.14

Breakdown of Shared Usage

	Minutes Used 10/20 - 11/18	Messaging Used 10/26 - 11/18	Data GB Used 10/26 - 11/18
256-509-6215 pg 4	0	0	0
256-763-3836 pg 5	0	0	0
256-836-4518 pg 6	0	0	0
Total Used	0	0	0
Shared Allowance - Partial Month	unlimited	unlimited	unlimited
Usage Over Allowance	0	0	0
Total Shared Usage Charges	\$0.00	\$0.00	\$0.00

**Summary for Dena McNelley: 256-509-6215****Your Plan**

Plan from 10/26 – 11/18

Beyond Unlimited

(see pg 3)

Monthly Charges**Surcharges+**

Fed Universal Service Charge 7.90

Other Charges and Credits

Early Termination Fee 150.00

\$157.90**Total Current Charges for 256-509-6215****\$157.90**

+ Percentage-based taxes, fees, and surcharges apply to charges for this line, including overage charges, plus this line's share of account charges.



Invoice Number Account Number Date Due Page

7767720415 725418311-00001 Past Due 5 of 7

Summary for Dena McNelley: 256-763-3836

Your Plan

Plan from 10/26 – 11/18

Beyond Unlimited

(see pg 3)



Invoice Number Account Number Date Due Page

7767720415 725418311-00001 Past Due 6 of 7

Summary for Dena McNelley: 256-836-4518

Your Plan

Plan from 10/26 – 11/18

Beyond Unlimited

(see pg 3)

Need-to-Know Information

Customer Proprietary Network Information (CPNI)

CPNI is information made available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information. The protection of your information is important to us, and you have a right, and we have a duty, under federal law, to protect the confidentiality of your CPNI.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. Verizon offers a full range of services, such as television, telematics, high-speed Internet, video, and local and long distance services. Visit Verizon.com for more information on our services and companies.

If you don't want your CPNI used for the marketing purposes described above, please notify us by phone any time at 800.333.9956 or online at vzw.com/myprivacy.

Unless you notify us in one of these ways, we may use your CPNI as described above beginning 30 days after the first time we notify you of this CPNI policy. Your choice will remain valid until you notify us that you wish to change your selection. Your decision about use of your CPNI will not affect the provision of any services you currently have with us.

Note: This CPNI notice does not apply to residents of the state of Arizona.

Explanation of Surcharges

Surcharges include (i) a Regulatory Charge (which helps defray various government charges we pay including government number administration and license fees); (ii) a Federal Universal Service Charge (and, if applicable, a State Universal Service Charge) to recover charges imposed on us by the government to support universal service; and (iii) an Administrative Charge, which helps defray certain expenses we incur, including: charges we, or our agents, pay local telephone companies for delivering calls from our customers to their customers; fees and assessments on our network facilities and services; property taxes; and the costs we incur responding to regulatory obligations. **Please note that these are Verizon Wireless charges, not taxes. These charges, and what's included, are subject to change from time to time.**

Bankruptcy Information

If you are or were in bankruptcy, this bill may include amounts for pre-bankruptcy service. You should not pay pre-bankruptcy amounts; they are for your information only. Mail bankruptcy-related correspondence to 500 Technology Drive, Suite 550, Weldon Spring, MO 63304.

Late Payment Information

A late payment applies for unpaid balances. The charge is the greater of \$5 or 1.5% per month, or as permitted by law. Failure to pay bills on time may result in negative credit reporting.

EXHIBIT “B”



PO BOX 489
NEWARK, NJ 07101-0489

Billing period
Account number
Invoice number

Dec 20, 2018 - Jan 19, 2019
725418311-00001
7794812999



DENA MCNELLEY
169 CANTRELL RD
HAZEL GREEN, AL 35750-9445

000471746
0101

See last page for payment options.
Questions? Visit vzw.com/contactus

Hi Dena, here's your bill for this month.



Balance past due

\$1,064.13

Total due

\$1,064.13

\$1,064.13 due immediately



Billing period Dec 20, 2018 to Jan 19, 2019 | Account # 725418311-00001 | Invoice # 7794812999



Balance past due

Previous balance	\$3,768.37
No payment received	\$0.00
Bankruptcy PRE-Petition Chgs (Dec 24)	-\$314.45
Bankruptcy PRE-Petition Chgs (Dec 24)	-\$243.52
Bankruptcy PRE-Petition Chgs (Dec 24)	-\$417.04
Bankruptcy PRE-Petition Chgs (Dec 24)	-\$417.04
Bankruptcy PRE-Petition Chgs (Dec 24)	-\$417.04
Early Termination Fee for 256.509.6215 (Dec 24)	-\$150.00
Bankruptcy Device Buyout for 256.509.6215 (Dec 24)	-\$342.93
Bankruptcy Device Buyout for 256.763.3836 (Dec 24)	-\$144.96
Bankruptcy Device Buyout for 256.836.4518 (Dec 24)	-\$249.08
Other fees and surcharges	-\$8.18

\$1,064.13

Please pay immediately.

Additional information

Customer Proprietary Network Information (CPNI)

CPNI is information made available to us solely by virtue of our relationship with you that relates to the type, quantity, destination, technical configuration, location, and amount of use of the telecommunications and interconnected VoIP services you purchase from us, as well as related billing information. The protection of your information is important to us, and you have a right, and we have a duty, under federal law, to protect the confidentiality of your CPNI.

We may use and share your CPNI among our affiliates and agents to offer you services that are different from the services you currently purchase from us. Verizon offers a full range of services, such as television, telematics, high-speed Internet, video, and local and long distance services. Visit Verizon.com for more information on our services and companies.

If you don't want your CPNI used for the marketing purposes described above, please notify us by phone any time at 800.333.9956 or online at vzw.com/myprivacy.

Unless you notify us in one of these ways, we may use your CPNI as described above beginning 30 days after the first time we notify you of this CPNI policy. Your choice will remain valid until you notify us that you wish to change your selection. Your decision about use of your CPNI will not affect the provision of any services you currently have with us.

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No-cost Feature Information

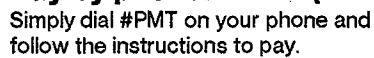
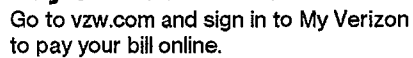
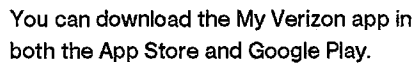
If your service plan includes an optional, no-cost feature (for example, some plans include a no-cost Apple Music option), electing this feature may affect the taxes, governmental fees, and governmental surcharges that we bill and collect, even though your service plan price does not change.

FUSC Change

The Federal Universal Service Charge (FUSC) is a Verizon Wireless charge that is subject to change each calendar quarter based on contribution rates prescribed by the FCC. On January 1, the FUSC increased to 5.46% percent of assessable wireless charges, other than separately billed interstate and international telecom charges. The FUSC on separately billed interstate and international telecom charges decreased to 20.00% percent. For more details, please call 1-888-684-1888.



We have all sorts of ways to pay so that you can pick the one that's right for you.



\$1,064.13

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PO BOX 660108
DALLAS, TX 75266-0108

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